

111TH CONGRESS
1ST SESSION

S. 534

To amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2009

Mr. NELSON of Florida (for himself, Ms. COLLINS, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Home and Community
5 Services Copayment Equity Act of 2009”.

1 **SEC. 2. ELIMINATION OF PART D COST-SHARING FOR CER-**
 2 **TAIN NON-INSTITUTIONALIZED FULL-BEN-**
 3 **EFIT DUAL ELIGIBLE INDIVIDUALS.**

4 (a) IN GENERAL.—Section 1860D–14(a)(1)(D)(i) of
 5 the Social Security Act (42 U.S.C. 1395w–
 6 114(a)(1)(D)(i)) is amended—

7 (1) in the heading, by striking “INSTITU-
 8 TIONALIZED INDIVIDUALS.—In” and inserting
 9 “ELIMINATION OF COST-SHARING FOR CERTAIN
 10 FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.—

11 “(I) INSTITUTIONALIZED INDIVIDUALS.—In”; and
 12

13 (2) by adding at the end the following new sub-
 14 clauses:

15 “(II) CERTAIN OTHER INDIVIDUALS.—In the case of an individual
 16 who is a full-benefit dual eligible indi-
 17 vidual and who is a resident of a facil-
 18 ity described in subclause (III) or who
 19 is receiving home and community-
 20 based services in a home setting pro-
 21 vided under a home and community-
 22 based waiver approved for the State
 23 under section 1915 or 1115, the elimi-
 24 nation of any beneficiary coinsurance
 25 described in section 1860D–2(b)(2)
 26

(for all amounts through the total amount of expenditures at which benefits are available under section 1860D–2(b)(4)).

“(III) FACILITY DESCRIBED.—

For purposes of subclause (II), a facility described in this subclause is—

“(aa) an assisted living facility or a resident care program facility (as such terms are defined by the Secretary);

“(bb) a board and care facility (as defined in section 1903(q)(4)(B)); or

“(cc) any other facility that is licensed or certified by the State and is determined appropriate by the Secretary, such as a community mental health center that meets the requirements of section 1913(c) of the Public Health Service Act, a psychiatric health facility, a mental health rehabilitation center, and a men-

1 tal retardation developmental dis-
2 ability facility.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 subsection (a) shall apply to drugs dispensed on or after
5 the date of enactment of this Act.

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